

RED CRESCENT SOCIETY OF TAJIKISTAN



ANALYSIS OF TAJIKISTAN EMERGENCY RESPONSE LEGISLATION

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734017, Umar Khayom 120, Dushanbe, Tajikistan

Prepared by: Umedjon Khukmatov, Legal Consultant

Reviewed by: Bahriddinzoda Shuhrat, RCST Head of Disaster Management Department;
Ismoil Sadullozoda, RCST Disaster Law Officer

Introduction

The occurrence of emergency situations is a natural phenomenon; given the climate and geographical location of states, such situations arise in various forms. They require effective and organized measures not only from one state but also from different countries and regional and international organizations.

Due to Tajikistan's geographic situation, various types of emergencies occur annually in certain parts of the country, resulting in different losses. To address these situations, the government periodically adopts relevant social, material, legal, economic, and other measures.

In reducing emergencies and eliminating their consequences, cooperation between the state and foreign countries and various international organizations is important and timely. In particular, the delivery of international assistance for the mitigation of emergencies is considered a key response measure. For the Republic of Tajikistan (hereinafter – RT), in response to emergencies (floods, earthquakes, etc.), assistance has been provided by states and various international organizations in the form of grants, supplies of goods and equipment, and response forces. In view of this, strengthening the legal foundations of international disaster response law is a core prerequisite.

It should be noted that the analysis and study of the RT's legislation on response to emergency situations is one of the important aspects of the country's legal system and has not yet been the subject of research and analysis. The short-term consultancy program of the Red Crescent Society of Tajikistan (hereinafter – RCST) for mapping and comprehensive assessment of Tajikistan's legislation on international disaster response (IDRL) is one of the first and important steps in this direction.

Emergency preparedness and response is a priority area of public policy and an integral part of national legislation. For the elimination of emergency situations, first and foremost, timely response—as a set of interrelated measures, activities of management bodies, and forces—is important; it determines the procedures for countering any accidents, catastrophes, natural disasters, and their consequences.

International disaster response law provides a legal basis that facilitates the application of effective methods for responding to emergencies and requesting international assistance.

In today's global context, the incidence of emergencies—against the background of climate change, internal and cross-border conflicts, and other factors—has increased; response to emergencies, both domestically and internationally, ranks among other top priorities, and its legal guarantees are an effective factor in this area.

In the RT, the general provisions related to the legal status of a state of emergency are directly provided by the Constitution of the RT, the Constitutional Law of the RT “On the Legal Regime of a State of Emergency,” the Law of the RT “On the Protection of the Population and Territories from Natural and Technogenic

Emergency Situations,” other laws, bylaws, state programs, strategies, bilateral and multilateral agreements.

However, the legal regulation of the foundations of international disaster response law (IDRL) has not been comprehensively established. Therefore, the legal analysis and assessment of the RT’s legislative system regarding response to emergencies and the legal regulation of international assistance is important and timely.

It is hoped that the results of the analysis will contribute to a qualitatively new improvement of legislation in the field of international disaster response law, support the establishment of proper legal regulation in this area, eliminate legislative shortcomings, fill gaps in legal support during emergencies, facilitate effective access to international assistance in such situations, introduce legislative simplifications in line with the indicators of international disaster response law, and foster the development of fundamental human rights and freedoms in society.

PART I. RESEARCH METHODOLOGY OF THE LEGAL ANALYSIS OF TAJIKISTAN LEGISLATIVE SYSTEM RELATED TO RESPONSE TO EMERGENCY SITUATIONS

1.1. Research methodology elements of the legal analysis of Tajikistan legislative system related to response to emergency situations

The analysis and study of the RT's legislation concerning international response to emergencies is one of the important aspects of the country's legal system; to date, these issues have not been researched and analyzed. The RCST's short-term consultancy program for mapping and comprehensive assessment of Tajikistan's legislation on international disaster response (IDRL) is one of the first and important steps in this direction.

Emergency preparedness and response is a priority area of public policy and an integral part of national legislation. To eliminate emergencies, timely response—as a set of interrelated measures, activities of management bodies, and forces—is important; it determines the procedures for countering any accidents, catastrophes, natural disasters, and their consequences.

International disaster response law provides a legal basis that facilitates the use of effective methods for responding to emergencies and requesting international assistance.

Particularly in the modern global society, the occurrence of emergencies—against the backdrop of climate change, internal and cross-border conflicts, and other factors—has been increasingly observed; response to emergencies both domestically and internationally ranks among other top priorities, and its legal guarantees are an effective factor in this area.

In the RT, general provisions on the legal status of a state of emergency are directly provided by the Constitution of the RT, the Constitutional Law of the RT “On the Legal Regime of a State of Emergency,” the Law of the RT “On the Protection of the Population and Territories from Natural and Technogenic Emergency Situations,” other laws, bylaws, state programs, strategies, bilateral and multilateral agreements.

However, the legal regulation of the foundations of international disaster response law (IDRL) has not been comprehensively established. In light of the implementation of this program, a legal analysis and assessment of the RT's legislative system regarding response to emergencies and the legal regulation of international assistance was carried out, taking into account the current situation, legislative challenges in this area, and proposals for the development of legislation.

Several methods were widely used to analyze the RT's legislative system regarding response to emergencies and the legal regulation of international assistance, which contributed to the comprehensiveness of the analysis. In particular:

1) Comparative-legal analysis method – used to examine the status, development, and practice of applying the RT’s legislation in comparison with foreign states. For the purpose of analyzing and evaluating Tajikistan’s legislation on response to emergencies, the comparative-legal method focused on studying and analyzing the normative legal acts, their drafts, and model laws of CIS member states in the field of response to emergencies and the legal regulation of international humanitarian assistance.

In this regard, model laws and recommendations of the Inter-Parliamentary Assembly of the CIS (IPA CIS) and the Parliamentary Assembly of the CSTO (Collective Security Treaty Organization) concerning response to emergencies were reviewed and analyzed. These included the CIS Model Laws “On the Protection of the Population and Territories from Natural and Technogenic Emergency Situations” (Decision No. 10-6 of 06.12.1997), “On Emergency Situations” (Decision No. 15-15 of 13.06.2000), “On Facilitating the Regulation of Humanitarian Assistance during Emergency Situations and Assistance in Carrying Out Initial Recovery” (Decision No. 41-20 of 28.11.2014), as well as the CIS Model Law “On a Unified Emergency Call System” (Decision No. 54-9 of 28.10.2022), and the Recommendations on Harmonizing the Legislation of CSTO Member States within the Framework of Cross-Border Cooperation in the Event of Natural and Technogenic Emergency Situations, approved by the CSTO Parliamentary Assembly on 26 November 2015, No. 8-8.

Using the comparative-legal method, these instruments were analyzed and proposals were made to strengthen new rules in improving the RT’s legislation on response to emergencies;

2) Strategic planning documents method – this method serves as an important mechanism for analyzing legislation and its further improvement, encompassing a comprehensive review of strategic planning documents. In conducting the legislative analysis, this method was used to study the provisions of sectoral strategic planning documents, taking into account the analysis of the current situation, challenges and ways to eliminate them at the legislative level; to study programmatic sectoral documents and the legal regulation of relations pointing to the adoption of new legal acts on response to emergencies; and to study national and sectoral strategies with regard to the state’s forward-looking policy on response to emergencies and the management of international response to emergencies.

Using this method and the purposes mentioned above, the following strategy and programs were analyzed and, based on them, specific views for improving legislation were proposed: the National Strategy of the Republic of Tajikistan on Disaster Risk Reduction for 2019–2034 (approved by the Government of the RT, Decision No. 602 of 29.12.2018), the Strategy for Financial Protection against Natural Disasters in the Republic of Tajikistan until 2037 (approved by the Government of the RT, Decision No. 504 of 25.10.2022), and the Medium-Term State Program on the Protection of the Population and Territories from Emergency

Situations for 2023–2028 (approved by the Government of the RT, Decision No. 630 of 29.12.2022);

3) Monitoring bylaws – monitoring the country’s bylaws on response to emergencies and the legal regulation of international humanitarian assistance was an important component of the analysis and thus covered improvements to the country’s legislation on response to emergencies.

In analyzing and assessing Tajikistan’s legislation on response to emergencies, this method was used broadly to: analyze bylaws in the field of response to emergencies within the framework of applicable laws; study and analyze bylaws on the management of international response to emergencies; identify bylaws in the field of response to emergencies that should be adopted on the basis of applicable laws; and so forth.

Against the background of this method, the following bylaws of the country were analyzed: the Regulation on the Procedure for Managing Humanitarian and Technical Assistance in the Republic of Tajikistan (approved by Government Decision No. 459 of 9.11.2000); the General Procedure for Determining the Amount of Damage Caused to Property and Submitting the Necessary Documents in the Event of Emergencies (approved by Government Decision No. 632 of 2.12.2010); the Rules on Financing Measures for Eliminating Emergency Situations (approved by Government Decision No. 699 of 30.12.2009); the Charter of the Committee for Emergency Situations and Civil Defense under the Government of the RT (approved by Government Decision No. 547 of 29.12.2017); and the Procedure for Organizing the Delivery of Medical Assistance during Emergencies (approved by Government Decision No. 62 of 26.02.2022); among others;

4) Study of international legal instruments – studying the international legal instruments adopted by Tajikistan is an important means of applying the provisions of such instruments within the country’s legislative system and has significant theoretical and practical importance.

In analyzing and assessing Tajikistan’s legislation on response to emergencies, this method was used to: study international legal instruments, including conventions, agreements, and other documents in the field of response to emergencies that Tajikistan has acceded to; identify provisions of international legal instruments governing relations related to response to emergencies; determine the need for implementing norms of international legal instruments and aligning national legislation with their requirements on response to emergencies; and others.

In the course of the analysis, the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted by UN General Assembly Resolution 69/283 of 3 June 2015, as an international legal instrument, was analyzed using this method.

1.2. Order, process, and results of data collection for the analysis

In the process of analyzing and studying the RT's legislation on response to emergencies and the regulation of international response to emergencies, primary and secondary data were used. At the first stage, secondary data were studied and analyzed, including RT legislation (laws, bylaws, state programs and strategies, international instruments of the RT), academic materials in the relevant field, and previously prepared reports and analyses that are publicly available, as well as those provided by the RCST.

Secondary data were obtained from the legal database of the Ministry of Justice of the RT, the legal database of the National Center for Legislation under the President of the RT, and other publicly available sources.

According to the plan, on 25 June 2025 the RCST held a seminar on presenting the legal analysis of IDRL in Tajikistan, at which the information collected during the first stage of the analysis (analysis of secondary data) was presented. The aim of the event was to present and discuss the preliminary results of the legal mapping and assessment of international disaster response law (IDRL) in Tajikistan.

At this seminar, the methodology, scope, and preliminary results of the IDRL legal mapping in Tajikistan were presented. In addition, an overview of the provisions of laws, policies, and international treaties related to disaster preparedness and response was provided, including specific aspects such as customs and tax exemptions for humanitarian goods, visa requirements for humanitarian personnel, and the regulation of activities of foreign emergency medical teams.

Participants in the discussions expressed important practical views on certain aspects of the analysis, which were considered and supported. The recommendations submitted were incorporated into the final report and legal mapping commentary, taking into account the legal analysis, forming a sequential analytical process.

It should be noted that the use of these approaches made it possible to complete the legal analysis of the RT's legislative system regarding response to emergencies and to substantiate the advantages of implementing international disaster response law (IDRL) in the country's legislation.

PART II. INTERNATIONAL MECHANISMS OF INTERNATIONAL DISASTER RESPONSE LAW (IDRL)

2.1. Analysis of international legal instruments related to response to emergency situations

1) Specific features of international legal instruments on response to emergencies

International legal instruments related to response to emergency situations are essential and necessary for the development of the legal system of every country, because the mechanisms set out in international legal instruments lead to the improvement of national legislation, especially in the area of international response to emergencies.

There are universal and regional international mechanisms within the activities of international organizations through which cooperation on response to emergencies is established. One such instrument is the **Sendai Framework for Disaster Risk Reduction 2015–2030**, which was endorsed by UN Member States by UN General Assembly Resolution 69/283 of 3 June 2015.

The Framework contains several goals and purposes relevant to international disaster response law, including:

- By 2030, substantially reduce the number of disaster-affected people globally, so that the average number of affected persons per 100,000 for 2020–2030 is lower than that for 2005–2015. This objective is realized against the background of international legal responses and involves broad cooperation among states and international organizations in a coordinated manner;
- By 2030, substantially reduce disaster damage to critical infrastructure and disruption of basic services, including health and educational facilities, through enhancing their resilience. This process is also a form of international response, in which international assistance reduces disaster damage; in particular, restoring the capacity of health and educational institutions is a fundamental basis for addressing disasters in the infrastructure sector;
- Substantially enhance international cooperation with developing countries by 2030 through adequate, sustainable support to complement their national actions for implementing the Sendai Framework. This objective is important as it promotes broad cooperation among states to respond to emergencies and deliver assistance. In this context, national legal provisions should be aligned to facilitate cooperation in a state of emergency.

Within the framework of the **Collective Security Treaty Organization (CSTO)**, member states carry out cross-border cooperation for the prevention and elimination of emergencies, which is guaranteed by regional legal instruments. In particular, the CSTO Collective Rapid Reaction Forces operate for direct response to emergencies. It should be noted that these forces may be used, in peacetime and

in emergency situations, at the formal request of CSTO member states or by their consensual decision, within a defined territory and for specific purposes, including the prevention and elimination of emergencies.

The legal status of the CSTO Collective Rapid Reaction Forces is determined by the relevant agreement, and a basic condition of their activity—both in peaceful and non-peaceful periods—is compliance with the legislation of the host state. Although these forces are primarily intended for the implementation of CSTO member states' rights, collective defense, and countering other security threats, they may also be used not only for command-staff military exercises but also for eliminating emergency consequences.

Response to emergencies in the cross-border areas of CSTO member states can be more targeted when the guarantee of operations and the import of appropriate assistance for eliminating emergency situations are provided in legislation. This encompasses the activity of assisting entities, the use of technical and rescue equipment, guarantees of their safety, simplified registration procedures, and so on.

In many cases, assistance from CSTO member states is important, effective, and timely; ensuring its implementation in today's circumstances requires legislative guarantees—for example, simplified and prompt customs and tax procedures, social access, etc. Legislation in the area of international cooperation concerning emergencies should provide specific measures.

One important mechanism consists of cooperation in Central Asia. In this regard, the **Agreement on Cooperation among the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, and the Republic of Uzbekistan** was approved on 10 January 1997.

The aforementioned quadrilateral Agreement also stipulates the conditions for crossing state borders by assisting groups and their regime of stay in the territory of the requesting state, the import, export, and transit of equipment and cargo for eliminating emergencies, the use of aircraft, compensation of costs and damages, and the resolution of disputes.

It should be noted that the parties to the quadrilateral Agreement carry out cooperation in preventing emergencies in various noteworthy forms, which, in terms of international response to emergencies, include providing first aid to the population in emergencies and mutual assistance in eliminating emergencies and taking measures to relocate affected populations within the territories of the partner states.

This Agreement also guarantees the provision of various forms of assistance by the signatory states in response to emergencies, and the mechanism for implementing such assistance requires priority provision in the legislation of the states.

It is established that the parties submit requests for assistance in emergency situations, in which the requesting party provides information on the nature of the emergency and indicates the type and amount of necessary assistance. The request

is promptly considered, and the requesting party is informed of the possibility, volume, and conditions of assistance. During the assistance process, unhindered border crossing and the dispatch of equipment and relief cargo by assisting parties are ensured in accordance with national legislation and international rules.

In particular, with regard to this aspect, it is necessary to simplify national legislation on the unhindered import of necessary goods and equipment, the dispatch of assisting equipment and relief cargo by states.

Assistance in responding to an emergency is provided by sending rescue teams and relief items or in other requested forms; the conditions, type, volume, and duration of assistance are agreed by the competent authorities of the states in each specific case. Rescue teams are used to perform emergency rescue work in the disaster area.

Operational management and coordination of the activities of assisting groups is carried out by the competent authorities of the requesting party through the leaders of these groups. The requesting party informs the leaders of the assisting groups about the situation in the disaster zone and specific work areas, and, where necessary, provides these groups with interpreters and communications equipment, as well as security and free medical care. Assisting groups must be equipped to operate independently in the emergency area for 72 hours.

This approach follows from the content of the agreement and requires further legal consolidation and guarantee at the level of state legislation.

2) Model laws and recommendations of the CIS Inter-Parliamentary Assembly (IPA CIS) and the CSTO Parliamentary Assembly on response to emergencies

An important means of regional cooperation in response to emergencies and the provision of assistance during such situations lies in instruments adopted within the IPA CIS, particularly model laws and leading recommendations and guidelines.

To date, in the framework of the IPA CIS, the following instruments concerning the legal support for emergency situations and response to them have been adopted: the CIS Model Laws “On the Protection of the Population and Territories from Natural and Technogenic Emergency Situations” (Decision No. 10-6 of 06.12.1997), “On Emergency Situations” (Decision No. 15-15 of 13.06.2000), “On Facilitating the Regulation of Humanitarian Assistance during Emergency Situations and Assistance in Carrying Out Initial Recovery” (Decision No. 41-20 of 28.11.2014), as well as the CIS Model Law “On a Unified Emergency Call System” (Decision No. 54-9 of 28.10.2022). These are advisory documents for member states.

It is advisable to be guided by the provisions of these instruments and to consolidate their norms in national legislation as an important element of legislative development and social relations.

Notably, the CIS Model Law “On Facilitating the Regulation of Humanitarian Assistance during Emergency Situations and Assistance in Carrying Out Initial

Recovery” (Decision No. 41-20 of 28.11.2014)¹ concerns international disaster response law.

For the legal regulation of humanitarian assistance in the country, a relevant bylaw—the Regulation on the Procedure for Managing Humanitarian and Technical Assistance in the RT, approved by Government Decision No. 459 of 9 November 2000—has been adopted. It sets out specific provisions on the procedure for receiving, transporting, warehousing, safeguarding, and distributing humanitarian and technical assistance delivered to the authorized body, and is a key legal instrument for the subject under analysis. A comprehensive analysis of this subordinate act is provided in subsequent sections.

The analysis shows that, to facilitate the regulation of humanitarian assistance during emergencies and assistance in carrying out initial recovery in Tajikistan, there is a need to adopt a dedicated law in this area. The experience of several countries, including Kazakhstan, shows that Rules on the Provision of Humanitarian Assistance have been adopted there (approved by Government Decision No. 743 of 8 October 2019). One of the issues resolved in that bylaw is setting out a broad definition of “humanitarian assistance,” including during emergencies, and the procedure for requesting, receiving, and distributing such assistance.

The Recommendations on Harmonizing the Legislation of CSTO Member States within the Framework of Cross-Border Cooperation in the Event of Natural and Technogenic Emergency Situations (approved by the CSTO Parliamentary Assembly on 26 November 2015, No. 8-8) are an important instrument for response to emergencies. Unlike other recommendations, these include the drafting of a multilateral agreement, including a model bilateral agreement, indicating measures to improve border, customs, and other control procedures and to establish simplified crossing.

In this context, issues are raised regarding the legal status of specialized medical teams that provide first medical aid to victims, the provision and procedures for first psychological aid, inter-agency coordination during emergencies, coordination of humanitarian response and assistance by CSTO member states, unified determination of liability for violations of legislation during emergency warnings and elimination of consequences, mechanisms for compensating damage to citizens’ property, financial support for implemented measures, and the establishment of a unified duty service with a single rescue phone number.

In general, it is appropriate to develop and adopt a separate law in the country’s legislative system on the legal regulation of humanitarian assistance during emergency situations and assistance in carrying out initial recovery.

¹ Model Law “On Facilitating and Regulating International Assistance in Emergency Situations and Aid in Conducting Initial Recovery Work” Appendix to the Resolution of the IPA CIS dated November 28, 2014, No.41-20 (in Russian) / [Electronic resource] – Access source: <https://iacis.ru/public/upload/files/1/576.pdf> (Date of access: 15.06.2025).

2.2. Monitoring of Tajikistan's international agreements on response to emergency situations

It should be noted that Tajikistan's international agreements play an important role in carrying out timely and effective responses to emergencies. It is precisely on their basis that cooperation between states is carried out under current conditions, especially for providing humanitarian assistance in response to emergencies.

In the area of warning and elimination of emergency situations, bilateral inter-agency agreements of Tajikistan's sectoral competent authority—the Committee for Emergency Situations and Civil Defense under the Government of the RT—with relevant sectoral bodies of Armenia, Belarus, Qatar, Kyrgyzstan, Kazakhstan, Uzbekistan, Ukraine, Switzerland, and Iran have been concluded.

1) Agreement between the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan and the Ministry for Emergency Situations of the Republic of Belarus on Cooperation in the Field of Prevention and Elimination of Emergency Situations, of 30 June 2012

This Agreement is an important basis for cooperation between the competent structures of the states in the field of prevention and elimination of emergencies. Under this Agreement, bilateral cooperation is established within the framework of national legislation in various areas, including the following, which may form the basis for providing assistance in response to emergencies:

a) development and implementation of joint projects of technical, social, and humanitarian cooperation. Within this area of cooperation, the Republic of Belarus and the RT provide access to technical, social, and humanitarian resources for the prevention and elimination of emergencies, which includes assistance;

b) mutual or joint assistance to third states when necessary in eliminating the consequences of natural and technogenic emergencies. This area of cooperation between the states for providing mutual or joint assistance to third states, envisaged in the context of broad cooperation, is established. This is a component of emergency response and requires legislative consolidation.

Bilateral cooperation between Tajikistan and Belarus is carried out within the framework of a Joint Commission. The Joint Commission of Tajikistan and Belarus is a temporary mechanism for implementing measures on prevention and elimination of emergencies, established when necessary.

2) Agreement between the Government of the Republic of Tajikistan and the Government of the Kyrgyz Republic on Cooperation in the Field of Civil Defense, Prevention and Elimination of Emergency Situations, of 2 November 2013

This intergovernmental Agreement also encompasses joint cooperation in the field of civil defense, prevention and elimination of emergencies. The instrument contains an important advantage for international response to emergencies: taking into account the possibility of emergencies that cannot be eliminated by one's own forces and means.

It is noteworthy that, under Article 2 of the Agreement, the competent implementing authorities are the Ministry for Emergency Situations of the Kyrgyz Republic and the Committee for Emergency Situations and Civil Defense under the Government of the RT.

One of the important forms of response to emergencies is mutual assistance in equipping assistance groups and providing mutual assistance in responding to emergencies. To achieve these goals, states regulate cooperation by subordinate legal acts adopted during the occurrence of emergencies. However, the general guarantee of effective access to such assistance should be established in legislation.

Under the Tajik–Kyrgyz Agreement, assistance in eliminating emergencies is provided by sending assistance groups, equipment, relief items, etc. Rescue teams carry out rescue work in the emergency area. Assisting groups must be equipped to work independently in the emergency area for 72 hours. After the assisting groups' supplies are exhausted, the requesting party provides the necessary means for their continued operation.

The Tajik–Kyrgyz Agreement also sets and guarantees the conditions for crossing state borders by assisting groups and their stay in the territory of the requesting state, the import and export of equipment and materials for assistance in responding to emergencies, the use of aircraft, compensation, indemnification, and use of information.

3) Agreement between the Government of the Republic of Tajikistan and the Cabinet of Ministers of Ukraine on Cooperation in the Field of Prevention of Emergency Situations and Elimination of Their Consequences

This Agreement was concluded taking into account the risks of emergencies for both countries, the value of cooperation in preventing emergencies and eliminating their consequences for the well-being and security of both states, the need to coordinate the parties' actions to prevent emergencies and eliminate their consequences, support for UN efforts in this field, respect for and confirmation of generally accepted norms and rules established within various international organizations, conventions, and relevant international agreements, and to contribute to the development of national legislation.

Under the Agreement, cooperation between Tajikistan and Ukraine is carried out on the basis of international instruments and generally recognized international principles; in a state of emergency, requests for assistance, provision of forces and means for prevention or elimination of consequences, and distribution of assistance only among the affected population are ensured. Assistance is provided free of

charge. Security, free medical services, food, and shelter are provided, and members of the joint working group are supplied with necessary items.

The Agreement also sets out rules for border crossing and stay of assistance groups and the transfer of relief goods and materials. To ensure effectiveness, assisting groups cross the state border under a simplified procedure through state border checkpoints, provided that each group member has an identity document. The group leader presents to border control at the checkpoint a document issued by the competent authority of the supplying party confirming the group's leadership for the purpose of assistance, along with a list of persons traveling in the group.

The Agreement sets procedures for the use of aircraft for assistance, including the intended flight route, landing site, aircraft identification marks, flight schedule, compensation of costs incurred in providing assistance for fuel and aircraft maintenance, and other matters. While performing tasks under the Agreement, the supplying state is exempt from fees for flights, landing, airport parking, and take-off, as well as for radio-navigation services.

If a member of an assistance group sustains harm to health or dies in connection with the implementation of the Agreement, the supplying state bears all costs related to compensation for damage; the amount of compensation is determined by agreement between the parties.

4) Agreement on Technical and Financial Cooperation and Humanitarian Assistance between the Federal Council of Switzerland and the Government of the Republic of Tajikistan, concluded on 19 November 1999

The Agreement with the Swiss Confederation on cooperation in emergency situations is an important means of cooperation with individual European countries. The competent authorities for implementing the Agreement—on the Swiss and Tajik sides—are the Committee for Emergency Situations and Civil Defense under the Government of the RT and the Commissioner for Humanitarian Aid and Head of the Swiss Humanitarian Aid Unit. They directly consider issues arising in urgent cases.

Under the Agreement, the parties provide assistance directly or indirectly through assistance units, including Swiss rescuers, using the necessary equipment and, where necessary, other acceptable means. They can be sent by land, air, or water to the affected area in a short time. Assistance is non-repayable, and if necessary during the work and at the request of the assistance units, including Swiss rescuers, the requesting state must provide the units with the necessary support at its own expense as determined by mutual agreement.

The analysis of bilateral agreements shows that, in general, issues related to response to emergencies have been addressed.

PART III. NATIONAL EMERGENCY RESPONSE MECHANISMS IN THE REPUBLIC OF TAJIKISTAN

3.1. Legal analysis and assessment of the legislative system of the RT on response to emergency situations

Separate normative legal acts have been adopted regarding the legal regime of a state of emergency in the RT, and issues related to response to such situations are directly and indirectly regulated. In particular, the following legal instruments regulate issues related to response to emergencies:

1) The Constitution of the Republic of Tajikistan

The supreme legal act and the source of the entire legal system of the RT is the Constitution. Based on its provisions, other normative legal acts—especially in the area of emergency situations and response—are developed and adopted.

Regarding response to emergencies, several constitutional provisions should be noted. For example, **Article 11** provides that the RT establishes foreign relations with states and international and regional organizations based on international norms. Establishing amicable relations with foreign states and organizations at various levels fosters cooperation on response to emergencies. The adoption and approval of numerous cooperation agreements and instruments in the field of emergency response are grounded in Article 11 of the Constitution. Thus, this constitutional provision underlies the subject under analysis.

Article 46 sets forth the grounds and factors for declaring a state of emergency, its duration, and the grounds for its extension. This provision affects response to emergencies in that measures of response and the provision of assistance to eliminate emergencies arise precisely upon the declaration of such a regime. Based on this provision, cooperation on response to emergencies is established in accordance with mutual agreements and instruments with states and various organizations.

Another key aspect related to emergency response is ensuring fundamental human rights and freedoms during this process. **Article 47** of the Constitution provides that, during a state of emergency, a number of rights and freedoms of individuals and citizens shall not be restricted, including protection of citizens' rights abroad and equal guarantees of rights and freedoms for foreign citizens in the RT (Article 16); equality of all before the law and the courts (Article 17); the right to life (Article 18); the right to judicial protection (Article 19); the presumption of innocence until a court judgment enters into legal force (Article 20); the inviolability of the home (Article 22); the right of access to personal documents (Article 25); and the freedom of association (Article 28).

This provision indicates that even response measures must not lead to the violation or restriction of such rights and freedoms. This must be observed in emergency response.

Article 63 provides that, during a state of emergency, the National Assembly (Majlisi Milli) and the Assembly of Representatives (Majlisi Namoyandagon) of the Parliament of Tajikistan shall not be dissolved. In this situation, the introduction of response measures and the establishment of cooperation to eliminate emergencies are required. From this perspective, this provision serves as a basis for response to emergencies.

Article 69 also serves as a legal basis for emergency response in that the signing of international treaties, especially in this area, is an exclusive power of the President of the country, as provided in paragraph 17 of this Article.

Furthermore, paragraph 23 of the same Article provides that the President declares a state of emergency throughout the country or in certain areas, promptly submits the decree for approval to a joint session of the National Assembly and the Assembly of Representatives, and informs the United Nations.

In general, the above constitutional provisions form an important basis for response to emergencies and the provision of assistance during such situations. On their basis, separate legislative acts and bylaws are adopted, as well as international legal instruments and cooperation agreements are signed, which are analyzed in subsequent sections.

2) The Constitutional Law of the RT “On the Legal Regime of a State of Emergency”

This constitutional law is one of the important legal landmarks in this area. Adopted in the early years of independence to implement Article 47 of the Constitution, it remains in force. The Constitutional Law regulates the procedure and conditions for declaring a state of emergency, the powers of state authorities and administration, etc.

The analysis of this Law’s provisions shows that it does not directly provide for issues of international response to emergencies. Yet this Law is the key act regulating relations within the legal regime of a state of emergency.

Therefore, it is necessary to introduce specific provisions at the level of this Constitutional Law. In particular, the following proposals are appropriate:

1) First and foremost, in light of the provisions of the Laws of the RT “On Normative Legal Acts” and “On the State Language,” the establishment and strengthening of the system of competent state, public, and international bodies, the conclusion of cooperation agreements with other states and regional and international organizations, etc., it has become necessary to adopt the Constitutional Law “On the Legal Regime of a State of Emergency” in a new edition. As a basis, the following structure of the draft Constitutional Law is proposed:

Draft Constitutional Law of the Republic of Tajikistan “On the Legal Regime of a State of Emergency”

This Law regulates the legal foundations of the procedure and form of a state of emergency and the powers of state authorities and administration, and is aimed at protecting fundamental human and civil rights and freedoms during emergency situations.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic concepts

Article 2. Procedure for introducing a state of emergency

Article 3. Grounds for introducing a state of emergency

Article 4. Principles of the legal regime of a state of emergency

Article 5. Territory of the state of emergency

Article 6. Duration of the state of emergency

Article 7. Basic measures introduced during a state of emergency

Article 8. Leadership during a state of emergency

Article 9. Procedure for introducing security and safety measures during a state of emergency

CHAPTER 2. STATE ADMINISTRATION OF THE LEGAL REGIME OF A STATE OF EMERGENCY

Article 10. Powers of the President of the RT regarding the legal regime of a state of emergency

Article 11. Powers of the Government of the RT regarding the legal regime of a state of emergency

Article 12. Powers of the judiciary during a state of emergency

Article 13. Powers of competent state bodies in the field of emergency situations regarding the legal regime of a state of emergency

Article 14. Powers of local state authorities regarding the legal regime of a state of emergency

Article 15. Powers of self-government bodies of towns and villages regarding the legal regime of a state of emergency

Article 16. Powers of state bodies, organizations, institutions, and other structures regarding the legal regime of a state of emergency

CHAPTER 3. RIGHTS AND DUTIES OF CITIZENS AND PUBLIC ORGANIZATIONS DURING A STATE OF EMERGENCY

Article 17. Rights of citizens during a state of emergency
Article 18. Duties of citizens during a state of emergency
Article 19. Rights of public organizations during a state of emergency

CHAPTER 4. MECHANISMS OF RESPONSE TO EMERGENCY SITUATIONS

Article 20. National mechanisms of response to emergency situations
Article 21. International mechanisms of response to emergency situations

CHAPTER 5. FINAL PROVISIONS

Article 22. Legal liability for violating the requirements of this Constitutional Law
Article 23. Procedure for dispute resolution
Article 24. Procedure for the entry into force of this Constitutional Law

2) This Constitutional Law should directly provide for international mechanisms of response to emergencies. It should establish guarantees for introducing international response to emergencies, means of international cooperation in this area, and the forms and procedures for delivering international assistance to eliminate emergencies, thereby creating an important legal basis in this field.

3) The Customs Code of the Republic of Tajikistan

It should be emphasized that the provisions of the Customs Code of the RT play an important role in simplifying customs clearance and granting specific preferences for the import of internationally supplied goods and products for responding to emergency situations.

The Customs Code of the RT provides several direct provisions in this area. Under Article 67, which regulates priority customs clearance, it is established that when importing into, or exporting from, the customs territory of the RT goods necessary for eliminating the consequences of natural disasters, accidents, and catastrophes, their customs clearance shall be carried out under a simplified procedure and on a priority basis. This guarantees simplified customs clearance for goods and equipment imported into the country to eliminate emergencies.

On the basis of Article 290 of the Code, a special customs regime is established for goods moved across the customs border intended for the prevention and elimination of natural and other emergency situations, including goods intended for free distribution to persons affected by emergencies and goods

necessary for rescue operations, other urgent actions, and the activities of rescue organizations.

Additionally, Part Three, Section One, Article 345 of the Customs Code stipulates that the import of goods as humanitarian aid, as well as the import of goods donated free of charge to charitable organizations for the purpose of mitigating the consequences of natural disasters, accidents, and catastrophes, is exempt from customs duties.

4) The Tax Code of the Republic of Tajikistan

The Tax Code of the Republic of Tajikistan is also considered one of the key legal instruments in this regard, and it should establish a favorable tax mechanism for international response to emergency situations.

Article 2, which defines key concepts, specifically explains two provisions—grants and international aid—that encompass elements of international assistance in responding to emergencies. According to the Code, a grant refers to monetary and/or other material resources provided free of charge and non-repayably for specific purposes from the following sources:

- a) By foreign states (governments of foreign states), international organizations, individuals, and legal entities—to the Republic of Tajikistan and the Government of the Republic of Tajikistan;
- b) By individuals and legal entities—to relevant state authorities for the purpose of eliminating the consequences of natural disasters or addressing social issues;
- c) By international and foreign organizations, as well as foreign non-governmental public foundations and associations, whose activities are of a charitable and/or international nature and do not contradict the Constitution of the Republic of Tajikistan—to the Republic of Tajikistan, the Government of the Republic of Tajikistan, and individuals and legal entities of the Republic of Tajikistan.

It should be noted that each of these elements pertains to international assistance in responding to emergency situations.

Another directly regulated concept is humanitarian aid, which refers to goods (work, services) provided free of charge to the Republic of Tajikistan by foreign states and international organizations for the prevention and mitigation of emergency situations of a military, ecological, natural, or man-made nature, as well as for improving living conditions of the population, among other purposes.

It should be noted that subsequent provisions of the Tax Code specify preferential tax measures for international aid and grants.

Article 32 of the Code establishes tax incentives related to emergency response measures. Specifically, Part 10 stipulates that in the event of natural disasters (earthquakes, floods) or emergencies (epidemics and pandemics), the Government of the Republic of Tajikistan may grant a tax deferral to all taxpayers or a specific group of taxpayers. This measure applies to both individuals and legal entities.

One of the key aspects of humanitarian aid in emergency response is tax exemption. **Article 189**, particularly Clause 10, lists humanitarian and charitable aid—including aid provided during natural disasters—as one of the types of tax-exempt income for individuals.

However, the provision does not extend such exemptions to aid received by other infrastructure organizations and institutions in the country.

Under Part 3 of **Article 193** of the Tax Code, taxpayers are allowed deductions for payments or other assistance aimed at disaster prevention or relief related to natural or man-made disasters, as well as epidemics.

Additionally, **Part 4 of Article 251** classifies certain imports as VAT-exempt, including goods donated free of charge to state authorities of the Republic of Tajikistan; goods imported as humanitarian aid; goods donated free of charge to charitable organizations for mitigating the consequences of natural disasters, accidents, and catastrophes.

Furthermore, **Part 5 of Article 286** exempts from excise tax all excisable goods (except alcohol and tobacco products) imported into Tajikistan as humanitarian aid, as well as goods donated free of charge to charitable organizations or state authorities for disaster relief.

5) Health Code of the Republic of Tajikistan

The Health Code of the Republic of Tajikistan also plays a crucial role in regulating social guarantees during the provision of medical assistance in emergency situations. Analyzing its specific provisions and defining effective mechanisms is essential to ensure international aid providers can deliver medical support efficiently and in a timely manner.

According to **Article 5** one of the competences of the Government of the Republic of Tajikistan in the healthcare sector includes implementing measures aimed at saving lives and protecting public health during emergency situations.

Part 4 of **Article 8** provides for interagency coordination and cooperation in healthcare, whereby coordination between state healthcare authorities and organizations in the medical field during disasters is carried out by the authorized state body for emergency situations and civil defense. This provision assigns responsibility for coordination and cooperation in this area during emergencies to the competent state authority for emergency situations and civil defense.

Article 9 regulates that international cooperation of the Republic of Tajikistan in public health protection with international organizations and relevant authorities of foreign states shall be conducted in accordance with the regulatory legal acts of the Republic of Tajikistan. The healthcare authorities of the Republic of Tajikistan maintain cooperation in healthcare with international organizations, foreign states and their competent authorities in accordance with the procedure established by internationally recognized legal acts of Tajikistan. These provisions encompass international cooperation in emergency response.

Article 134 establishes the procedure for exchange of donor blood and its components, preparation of blood-derived medicines, and their export from the Republic of Tajikistan. Paragraph 2 specifically provides that export of donor blood and its components, as well as blood-derived medicines, from the territory of the Republic of Tajikistan is permitted only in cases of urgent humanitarian assistance and emergency situations, based on a decision of the Government of the Republic of Tajikistan.

Article 146 concerns provision of medical assistance to citizens affected by natural disasters and contains referral norms. Paragraph 1 defines citizens affected by natural disasters as persons specified in the legislation of the Republic of Tajikistan. Paragraph 2 provides that medical assistance shall be rendered to citizens affected by natural disasters in accordance with the legislation of the Republic of Tajikistan.

It should be noted that this Code constitutes a fundamental codified legal act in healthcare. Therefore, it should establish the procedures, forms and priorities for providing medical assistance and international cooperation in emergency response, while referring only technical and formal aspects of diseases to subordinate legislation. Consequently, the provisions of Article 146 of the Health Code of the Republic of Tajikistan require further elaboration.

6) Law of the Republic of Tajikistan "On Protection of Population and Territories from Natural and Technogenic Emergencies"

This law establishes organizational and legal norms in the field of protecting citizens of the Republic of Tajikistan, foreign citizens and stateless persons residing in the territory of the Republic of Tajikistan (hereinafter referred to as the population), as well as lands, mineral resources, water, airspace, flora and fauna and other natural resources in the territory of the Republic of Tajikistan, industrial and social infrastructure facilities and the environment (hereinafter referred to as territories) from natural and man-made emergencies (hereinafter referred to as emergencies).

It regulates social relations related to the prevention of emergencies, reducing the scale of damage and losses from emergencies, eliminating emergencies and timely warning the population of hazardous areas about natural and man-made emergencies.

It defines the powers and responsibilities of state authorities for the prevention of emergencies and reduction of their spread and damage, timely warning of the population about emergencies and elimination of their consequences, cooperation of state authorities with public organizations and international institutions, preparation and use of relevant forces and means, determination of emergency zones, resolution of other issues of protecting the population and territories from emergencies, as well as the rights and obligations of individuals and legal entities.

It should be noted that the said Law does not contain direct provisions regarding international response to emergencies. Only Article 6 of the Law provides for international cooperation in the field of population and territory protection from emergencies as one of the main functions of the unified state system for prevention and response to emergencies.

Also, Article 9, which defines the powers of the Government of the Republic of Tajikistan in the field of population and territory protection from emergencies, stipulates that the Government of the Republic of Tajikistan makes decisions on direct management of emergency response and provision of assistance during emergencies. This provision may directly affect the direction of providing international assistance in response to emergencies.

Analysis of the provisions of this Law confirms that it is considered fundamental in the field of population and territory protection from emergency situations. However, it does not contain comprehensive and specific provisions on international cooperation and provision of international assistance in response to emergencies. This aspect expresses the incompleteness of the provisions of the said Law and requires improvement.

In particular, a separate chapter should be introduced in the said Law to expand and ensure international cooperation in emergencies. This chapter should define international cooperation in the field of population and territory protection from emergency situations and provide for the following model structure of its articles:

CHAPTER 6.1. INTERNATIONAL COOPERATION IN THE FIELD OF POPULATION AND TERRITORY PROTECTION FROM EMERGENCY SITUATIONS

Article 27.1. Legal mechanism for implementing international cooperation in the field of population and territory protection from emergency situations

Article 27.2. International cooperation in emergency prevention

Article 27.3. International cooperation in emergency response

Article 27.4. Procedure for providing international assistance to population affected by natural disasters

Article 27.5. Legal mechanisms for customs, tax, medical, social, technical and physical relations when providing international assistance for emergency response

7) Law of the Republic of Tajikistan "On Emergency and Rescue Services, Emergency and Rescue Structures, and the Legal Status of Rescuers"

The present law establishes the general organizational and legal foundations for the creation and operation of emergency and rescue services and structures within the territory of the Republic of Tajikistan. It determines the rights,

obligations and responsibilities of rescuers, and regulates the basic principles of state policy in the field of legal and social protection of rescuers and other citizens of the Republic of Tajikistan who participate in the elimination of natural and man-made emergencies.

This law is also considered important in relation to emergencies. Analysis of its provisions shows that while it fully regulates internal organizational issues of emergency and rescue services, structures and the legal status of rescuers, it does not contain specific provisions regarding international cooperation of emergency and rescue services and structures.

At the same time, the law regulates the legal status of rescuers by covering issues of the concept and essence of rescuers, rights of rescuers, guarantees of rescuers' activities, obligations of rescuers, work (service) and rest regime of rescuers, payment for rescuers' labor, housing rights, insurance guarantees of rescuers, social protection of family members of rescuers, and citizens who are not rescuers but are involved in work to eliminate the consequences of emergencies.

Taking into account the analysis of the provisions of this law in relation to the legal foundations of international response to emergencies, it is considered necessary to introduce some specific additions to this law, including:

1) In Article 1 of the Law of the Republic of Tajikistan "On Emergency and Rescue Services, Emergency and Rescue Structures, and the Legal Status of Rescuers", the concept of "foreign rescuer" should be directly established;

2) In Article 3 of this law, as one of the basic principles of activity of emergency and rescue services, structures and rescuers, the "principle of international cooperation of emergency and rescue services and structures in response to emergencies" should be established;

3) A separate article should be added to this law, specifically Article 17.1 entitled "International cooperation of emergency and rescue services and structures in response to emergencies";

4) A separate chapter on the legal status of international rescuers should be added to this law in the following form:

CHAPTER 3.1. LEGAL STATUS OF FOREIGN RESCUERS

Article 29.1. Mechanism for deployment of foreign rescuers in response to emergencies

Article 29.2. Rights and obligations of foreign rescuers

Article 29.3. Guarantees of activities of foreign rescuers

Article 29.4. Mechanism of remuneration for foreign rescuers

Article 29.5. Insurance guarantees for foreign rescuers

8) *Law of the Republic of Tajikistan "On Civil Defense"*

This law is also considered one of the fundamental legal documents regulating relations in the field of emergency situations. It defines the responsibilities, legal foundations for organizing and implementing civil defense within the territory of the Republic of Tajikistan, the powers of state authorities, organizations regardless of their organizational and legal forms, officials and citizens, as well as the forces and means of civil defense in this field.

Civil defense represents a set of nationwide defensive and protective measures aimed at protecting the population, economy and territory of Tajikistan before and during military operations. The essence of civil defense corresponds to elements of international disaster response law and covers a specific range of relations.

Analysis of this Law indicates that only Article 7 establishes, as one of the powers of the Government of the Republic of Tajikistan in the field of civil defense, the signing of intergovernmental agreements for cooperation in civil defense. This provision creates the basis for concluding agreements with other states and organizations by the Government of the Republic of Tajikistan in the field of civil defense, including response to emergency situations as a component of civil defense, and implementing cooperation on emergency response in accordance with them.

Furthermore, Article 8 of the Law authorizes the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan to carry out international cooperation in the field of civil defense. However, other provisions of the analyzed Law do not contain regulations regarding the features of international legal response to emergency situations. Meanwhile, in the field of civil defense, the development of international cooperation contributes to strengthening relations, developing infrastructure and personnel, and improving mechanisms for preventing and eliminating emergency situations.

With this in mind, it is considered necessary to introduce additions to the provisions of this Law regarding international cooperation in the field of civil defense, mechanisms for implementing cooperation, and means of its influence.

3.2. Analysis and Evaluation of Bylaws in the Field of Emergency Response Within the Framework of Current Legislation

Bylaws constitute an important mechanism for regulating and defining relations in the field of emergency situations, particularly concerning international legal response to emergencies. Following the legislative acts analyzed above, a significant number of bylaws have been developed and adopted in this field. The analysis of bylaws regarding what kind of provisions they establish in relation to international legal response to emergencies forms a crucial stage of research. These legal documents and rules serve to operationalize and specify the broader legal framework, ensuring practical implementation of emergency response mechanisms.

1) National Strategy of the Republic of Tajikistan on Disaster Risk Reduction for 2019-2034

This Strategy represents an important political and legal document in the field of disaster risk reduction in Tajikistan, incorporating measures for sustainable development. The main objective of the Strategy is to reduce existing disaster risks and prevent new ones by strengthening national capacity for disaster risk management.

It should be noted that the implementation of the Strategy's goals is structured around four key tasks that are gradually being implemented to contribute to reducing disaster risks:

- **First**, by 2030, reduce the number of casualties, affected persons, and damage caused by natural disasters compared to the 2005-2015 period;
- **Second**, ensure all stakeholders have access to information about natural disaster risks;
- **Third**, integrate disaster risk management measures into development processes;
- **Fourth**, improve mechanisms for disaster preparedness and response.

However, the planned measures and approaches for implementing these tasks do not adequately address issues related to international legal frameworks for emergency response. Given that attention to this area is crucial for developing disaster risk reduction relations in Tajikistan, it becomes necessary to incorporate additions to the Strategy. Specifically, the third and fourth implementation tasks should include provisions regarding international legal aspects of emergency response.

According to Paragraph 36, the Strategy is based on the priorities of the Sendai Framework, the 2030 Agenda for Sustainable Development, and Tajikistan's National Development Strategy until 2030.

Paragraph 37 outlines that, using the proposed documents of the Sendai Framework, the Strategy includes a set of legal, economic, social, educational, ecological, political, and organizational measures aimed at preventing and reducing vulnerability to disaster threats and enhancing preparedness for response and recovery.

Furthermore, Paragraph 87 identifies international grants, humanitarian funds, and donations from organizations (provided they comply with the legislation of Tajikistan) as one of the Strategy's funding sources. These can be evaluated as a foundation for strengthening relations in the international legal framework for emergency response.

2) Financial Protection Strategy Against Natural Disasters in the Republic of Tajikistan for the Period Until 2037

This Strategy outlines aspects of financial protection against natural disasters and represents a forward-looking strategic document in this field. The goal of the Strategy is to enhance the financial resilience of the Republic of Tajikistan to natural

disasters and improve the management of unforeseen situations arising from natural disasters and associated financial risks.

Regarding international legal response to emergencies, particularly in the area of providing international assistance in the form of grants and other financial support, the Strategy includes specific indicators.

According to Paragraph 37, humanitarian aid is provided based on decisions of the Government of the Republic of Tajikistan, and material support is limited to basic reserves such as fuel, construction materials, and food.

Additionally, Paragraph 20 stipulates that following natural disasters, the Government of the Republic of Tajikistan may utilize the following additional funding mechanisms: preferential financing from international financial organizations or loan funds; international assistance; reallocation of funds from other budget lines.

Paragraph 28 introduces a specific statistical indicator that prioritizes humanitarian assistance in emergency situations. According to this provision, donors can provide assistance in response to natural disasters. Of the \$577 million USD in humanitarian aid provided by donors to the Republic of Tajikistan since 1999, \$91,892,181 USD was specifically allocated for disaster response and recovery purposes. However, this assistance covered only a portion of the damage caused by natural disasters in Tajikistan. Moreover, donor assistance is unpredictable and often insufficient.

3) Mid-Term State Program on Population and Territory Protection from Emergencies for 2023-2028

This Program also plays a significant role in reducing emergency risks and developing corresponding measures. The Program's objective is to strengthen and expand national capacity to reduce existing natural disaster risks and prevent new natural disaster threats.

It should be noted that the Program does not contain specific provisions regarding international assistance for emergency response, which necessitates strengthening at the Program level.

According to paragraph 11, it is established that analyzing the proportion of funds allocated for disaster risk management and natural disaster consequences mitigation is important based on increased funding for population and territory protection measures from both state budget and foreign investments. Policy reforms in this area should consider these analysis results. This indicator highlights the importance of foreign investment but doesn't directly regulate its procedures and specifics.

4) Regulations on Management Procedures for Humanitarian and Technical Assistance in the Republic of Tajikistan

This bylaw that forms the core of the analysis is precisely the Regulations on the Procedure for Managing Humanitarian and Technical Assistance in the Republic of Tajikistan, approved by Resolution of the Government of the Republic of

Tajikistan No. 459 of November 9, 2000. It aims to coordinate the activities of international organizations, legal entities and individuals in providing humanitarian and technical assistance, as well as strengthening control over the efficient distribution and use of such assistance.

The Regulations establish the procedure for activities of state management bodies, enterprises and institutions regardless of their organizational and legal form, public associations and international organizations regarding acceptance, distribution and sale of humanitarian and technical assistance imported into Tajikistan, customs clearance procedures and application of privileges for goods imported as humanitarian and technical assistance under current legislation.

The key provisions of the Regulations include procedure for applying customs duty exemptions for humanitarian and technical assistance imported into Tajikistan, customs clearance procedures, related costs for unloading, warehousing and storage of humanitarian cargo, procedure for implementing humanitarian and technical assistance by organizations, local executive authorities, ministries and agencies, public organizations of Tajikistan, procedure for implementing humanitarian and technical assistance by public associations of Tajikistan, procedure for receiving, unloading, warehousing and distribution of humanitarian and technical assistance addressed to the Government of Tajikistan, procedure for receiving, unloading, warehousing, storage and distribution of humanitarian and technical assistance addressed to the Ministry of Emergency Situations and Civil Defense of Tajikistan (currently the Committee for Emergency Situations and Civil Defense under the Government of Tajikistan).

Analysis of the Regulations shows that although it is a bylaw, in many cases it refers to other legislative acts and bylaws for legal regulation and implementation guarantees of international assistance in emergencies. It is necessary to supplement the provisions of these Regulations and fully regulate relations in this area.

The analysis also shows that 25 years have passed since the adoption of these Regulations, during which they were amended only once by Government Resolution No. 86 of February 2, 2009. Meanwhile, during this period fundamental legal, political, international, economic and structural changes have occurred. Therefore, it is necessary to prepare and adopt these Regulations in a new edition titled "Procedure for Managing Humanitarian and Technical Assistance in the Republic of Tajikistan".

5) General Procedure for Determining the Amount of Property Damage and Submitting Required Documents During Emergencies

The General Procedure for Determining the Amount of Property Damage and Submitting Required Documents During Emergencies was approved by Resolution No. 632 of the Government of the Republic of Tajikistan dated December 2, 2010. It regulates the determination of the extent of damage (loss) to buildings and structures, hydraulic structures, equipment, land plots and perennial trees and other property (hereinafter referred to as property) resulting from emergency situations, assessment of the value of this property, submission of necessary documents during

emergencies, as well as ensuring targeted use of allocated funds that are urgently directed to address issues of restoring residential buildings, production facilities and public utilities in affected cities and districts.

It should be noted that this bylaw fully establishes national mechanisms for determining the amount of property damage and submitting required documents, but does not contain direct provisions regarding the procedure for requesting necessary documents to access international assistance for emergency response. Given the priority and urgent importance of international assistance for emergency response, legal mechanisms for accessing international assistance should be strengthened at the level of such bylaws or separate documents.

6) Rules for Financing Measures to Eliminate Consequences of Emergencies

The Rules for Financing Measures to Eliminate Consequences of Emergencies were approved by Resolution No. 699 of the Government of the Republic of Tajikistan dated December 30, 2009. They regulate the general procedure for allocating funds by the Government of the Republic of Tajikistan for measures to eliminate emergency situations and ensure targeted use of these funds, which are urgently directed to address issues of restoring houses, production buildings and public utilities in affected districts. It is noteworthy that the financing procedure for measures to eliminate consequences of emergency situations is fully implemented based on the indicators of these Rules.

Only according to paragraph 10, which provides for the use of emergency reserve funds of financial and material resources by the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan in order to increase the urgency of implementing emergency measures to eliminate emergency situations, general provisions on humanitarian assistance are included. According to it, the emergency reserve fund is formed from humanitarian aid, financial resources of individuals and legal entities. The procedure for forming this fund is established by the Government of the Republic of Tajikistan.

These are general provisions and require strengthening of comprehensive legal regulation of humanitarian assistance, the mechanism for its receipt, the procedure for its use, supervisory entities monitoring its use and similar issues.

7) The Charter of the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan

The Charter of the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan serve as an important regulatory document governing the activities of the competent sectoral authority, establishing the organization, activities, powers and structural mechanisms of the Committee.

The Committee for Emergency Situations and Civil Defense is a central executive authority responsible for implementing state policy in the field of

emergency management and civil defense, legal regulation, public services and state property management, promoting unified state policy on population protection, economic facilities and territory of the Republic of Tajikistan from consequences of emergencies during peacetime and wartime. It coordinates comprehensive national, legal, defensive and other measures aimed at protecting the population, economic facilities and territory of the Republic of Tajikistan from consequences of natural and man-made emergencies, as well as during military operations.

According to one of the indicators in paragraph 4 of the Charter, the organization and provision of international cooperation in the field of civil defense, protection of population, economic facilities and territory of the Republic of Tajikistan from natural and man-made emergencies is considered as a power of the Committee. Within this authority, the Committee maintains cooperation with various sectoral structures of foreign states and international organizations in the field of emergency response.

Other provisions of paragraph 4 also affect the Committee's responsibilities regarding emergency response, including:

- During emergencies, the transfer, distribution and control of humanitarian aid to the population allocated by international organizations;
- Transfer, distribution and control of construction materials, food and other humanitarian aid to foreign countries allocated by the Government of the Republic of Tajikistan or transiting through the territory of Tajikistan;
- Implementation of control over targeted use of material assistance provided to the Committee by states and international organizations for eliminating consequences of natural disasters and other emergencies;
- Organization and provision of international cooperation and signing of international legal documents on reducing natural disaster risks, prevention and elimination of emergency consequences;
- Implementation of cooperation within international legal documents on civil defense issues, early warning, emergency response, providing assistance to population, as well as training, generalization and application of foreign countries' experience in these areas.

It should be noted that such responsibilities of the Committee for Emergency Situations and Civil Defense demonstrate that the competent authority plays a key role in implementing international cooperation and controlling the use of international assistance for emergency response. In this direction, mechanisms for receiving and using international assistance for emergency response, which are considered as powers of the Committee for Emergency Situations and Civil Defense, should be established within a unified regulatory legal document.

8) Procedure for Organizing Medical Assistance During Emergency Situations

Another important document in the field of emergency response is the provision of medical assistance to affected populations. The Procedure for Organizing Medical Assistance During Emergency Situations was approved by Resolution No. 62 of the Government of the Republic of Tajikistan dated February 26, 2022, and was developed to regulate relations related to organizing medical assistance during emergencies.

The purpose of this Procedure is to organize measures for prevention, provision of emergency medical care, medical assistance, life-saving of victims and elimination of long-term effects of damaging factors.

Paragraph 3 stipulates that provision of medical support and emergency medical care is carried out directly by forces and means of the functional subsystem for prevention and elimination of emergencies within the unified state system for prevention and elimination of emergency situations, through special emergency medical services. According to paragraph 4, primary medical care is provided directly by emergency medical teams and other types of rescue teams from relevant ministries and agencies.

Analysis shows that the Procedure does not contain direct provisions regarding provision of medical assistance by foreign organizations and individuals within international agreements on emergency response. The inclusion of international organizations and medical structures as providers of medical assistance during emergencies would serve as an important means of emergency response and achievement of agreement objectives.

Conclusion

The analysis results showed that for improving the legislation of the Republic of Tajikistan in the field of emergency response, it is appropriate to consider comprehensive measures aimed at eliminating deficiencies and shortcomings in accordance with the purpose. Although today at the republican level more than 400 laws, including 17 constitutional laws, 23 codification documents have been adopted, the legislation in the field of emergency situations requires review and codification.

The experience of developing normative legal documents shows that one of the effective ways to achieve the main goals - prevention of emergency situations - may be the codification of legislation in this area. However, the analysis shows that to date, attempts to develop an Emergency Situations Code have not been implemented at the level of CIS and SCO member states, and the theoretical and practical aspects of disaster law have not been sufficiently studied.

The development of normative legal acts in the field of emergency situations, state programs and strategies made it possible to create a national system for eliminating emergency situations, but at the same time, the issue of responding to emergency situations, eliminating their risks and threats remains unresolved. Regardless of the development of individual branches of national legislation, it requires that the rights and obligations of entities responsible for responding to emergency situations, reducing the impact of emergency situations on the economy, society and health, prompt preparedness of competent authorities and society for emergencies, broad involvement of civil society in emergency response, ensuring the rights and interests of the population should be comprehensively coordinated.

In this case, first of all, it is necessary to review and promptly harmonize the adopted norms, eliminate duplication of powers of competent authorities, ensure the quality and results of socio-economic development taking into account the emerging e-government, the emergence of new information technologies, including artificial intelligence, when developing state programs, strategies and concepts related to emergency response, the possible impact of these situations, existing risks and threats.

For this purpose, the present analysis revealed the need to develop recommendations for improving legislation and preparing a roadmap for a comprehensive review of national legislation, which will be proposed to competent authorities and relevant management structures. It is possible that the roadmap will be improved taking into account the proposals and suggestions of relevant ministries and agencies, and then implemented step by step.

Annex I

Mapping of Tajikistan's Legislation on Emergency Response

The organization and categorization of collected information is carried out based on the topics/questions of the research framework.

With this in mind, the described process facilitates a detailed and understandable analysis of Tajikistan's legislation regarding International Disaster Response Laws (IDRL). Specifically, after gathering data for analysis, its categorization is completed based on specific topics, directly identifying which areas of legislation need strengthening. This process contributes to the consistent and logical implementation of the planned analysis.

The research framework questions covered the following aspects:

№	Framework Questions	Basis
1.	How is the procedure for importing and managing humanitarian goods and equipment established?	The Regulations on the Procedure for Managing Humanitarian and Technical Assistance in Tajikistan, approved by Government Resolution No. 459 of November 9, 2000, are an important legal document in the field of humanitarian assistance during emergencies. These Regulations establish procedures for state authorities, enterprises, institutions and organizations, regardless of their organizational and legal form, public associations, and international organizations regarding the acceptance, distribution and sale of humanitarian and technical assistance imported into Tajikistan, customs clearance procedures and application of privileges for goods imported as humanitarian and technical assistance under current legislation.
2.	What are the customs duties and taxes for humanitarian goods and equipment?	Customs-related issues are regulated by the provisions of the Customs Code of Tajikistan. According to Part 3 of Section 1 of Article 345 of the Customs Code, imports of goods as humanitarian aid, imports of goods donated free of charge to charitable organizations for the purpose of

		eliminating consequences of natural disasters, accidents and catastrophes are exempt from customs duties. Tax-related issues are regulated by the provisions of the Tax Code of Tajikistan. According to Article 189, particularly paragraph 10, funds received as humanitarian and charitable aid, including during natural disasters, are considered one of the types of tax-exempt income for individuals. Also, according to Part 4 of Article 251 of this Code, imports of goods donated free of charge to state authorities of Tajikistan, imports of goods as humanitarian aid, imports of goods donated free of charge to charitable organizations for the purpose of eliminating consequences of natural disasters, accidents and catastrophes are among the types of imports exempt from value-added tax.
3.	How are entry procedures and facilities for humanitarian workers established in Tajikistan?	Regarding entry procedures and facilities for humanitarian workers, Tajik legislation does not contain specific provisions. In particular, the Law of Tajikistan "On the Legal Status of Foreign Citizens and Stateless Persons in Tajikistan" No. 1471 of January 2, 2018, which regulates entry issues for foreign citizens, does not provide special provisions in this regard.
4.	How are the rights of foreign specialists to work and requirements for them guaranteed in Tajik legislation?	Tajik legislation does not contain comprehensive provisions in the field of emergencies and civil defense regarding the rights of foreign specialists to work and requirements for them.
5.	Are there requirements for importing vehicles, equipment and animals for humanitarian activities in Tajik legislation?	Tajik legislation does not contain detailed requirements for importing vehicles, equipment and animals for humanitarian activities. This situation

		requires proper legal regulation at the level of legislation on emergency situations and civil defense.
6.	How are requirements established for importing pharmaceutical products, chemicals, medical equipment and other special goods?	Requirements for importing pharmaceutical products, chemicals, medical equipment and other special goods are not fully established in any regulatory document. In this regard, the Procedure for Organizing Medical Assistance During Emergencies was approved by Government Resolution No. 62 of February 26, 2022, developed to regulate relations related to organizing medical assistance during emergencies. Regulating requirements for importing pharmaceutical products, chemicals, medical equipment and other special goods at the level of this document or a separate legal document is considered important. Also, paragraph 3 of the Regulations on the Procedure for Managing Humanitarian and Technical Assistance in Tajikistan stipulates that humanitarian aid imported into Tajikistan must be safe for consumers and comply with international human safety requirements, sanitary and hygienic, anti-epidemic, medical, pharmaceutical, veterinary requirements, as well as current republican legislation on standardization and certification, sanitary supervision, public health protection, etc.
7.	What is the status of legal regulation of international volunteering in Tajik legislation?	The legal regulation of international volunteering is not established in the legislation on emergencies and civil defense. The Law of Tajikistan "On Volunteer Activities" No. 1019 of September 19, 2013 regulates international volunteer activities in Article 16, stating that international volunteer activities are carried out in

		accordance with the procedure established by Tajik legislation and international legal acts recognized by Tajikistan. That is, there are no comprehensive and established provisions in this area.
8.	How is legal regulation of humanitarian access and security of international humanitarian assistance guaranteed?	The legal regulation of humanitarian access and security of international humanitarian assistance is guaranteed by the Government of Tajikistan. This authority is exercised by competent state authorities determined by relevant Government decisions during events.
9.	What are the legal issues regarding compensation for damage to persons and property of international humanitarian assistance?	Tajikistan has adopted the Law "On Emergency and Rescue Services, Emergency and Rescue Structures and the Legal Status of Rescuers" No. 83 of March 1, 2005, which regulates the legal status of rescuers, including concepts and essence of rescuers, rights of rescuers, guarantees of rescuers' activities, obligations of rescuers, work (service) and rest regime of rescuers, remuneration of rescuers, housing rights, insurance guarantees for rescuers, social protection of family members of rescuers, citizens who are not rescuers but are involved in work to eliminate consequences of emergencies. This Law does not contain relevant provisions regarding compensation for damage to persons and property of international humanitarian assistance. New provisions should be added to this section.

Annex II

List of Normative Legal Acts and Other Legal Sources Used in the Analysis

№	Title of Normative Legal Act	Date of Adoption and Number	Legal Status
1.	Constitution of the Republic of Tajikistan	6.11.1994	Currently in force
2.	The Constitutional Law of the RT "On the Legal Regime of a State of Emergency"	3.11.1995, №994	Currently in force
3.	Customs Code of the Republic of Tajikistan	13.12.2004, №12	Currently in force
4.	Tax Code of the Republic of Tajikistan	23.12.2021, №1844	Currently in force
5.	Health Code of the Republic of Tajikistan	30.05.2017, №1413	Currently in force
6.	Law of the Republic of Tajikistan "On Protection of Population and Territories from Natural and Technogenic Emergencies"	15.07.2004, №53	Currently in force
7.	Law of the Republic of Tajikistan "On Emergency and Rescue Services, Emergency and Rescue Structures and the Legal Status of Rescuers"	1.03.2005, №83	Currently in force
8.	Law of the Republic of Tajikistan "On Civil Defense"	28.02.2004, №6	Currently in force
9.	National Strategy of the Republic of Tajikistan on Disaster Risk Reduction for 2019-2034	Approved by Government Resolution No. 602 of 29.12.2018	Currently in force
10.	Financial Protection Strategy Against Natural Disasters in the Republic of Tajikistan for the Period Until 2037	Approved by Government Resolution No. 504 of 25.10.2022	Currently in force
11.	Mid-Term State Program on Population and Territory Protection from Emergencies for 2023-2028	Approved by Government Resolution No. 630 of 29.12.2022	Currently in force

12.	Regulations on the Procedure for Managing Humanitarian and Technical Assistance in the Republic of Tajikistan	Approved by Government Resolution No. 459 of 09.11.2000	Currently in force
13.	General Procedure for Determining the Amount of Property Damage and Submitting Required Documents During Emergencies	Approved by Government Resolution No. 632 of 02.12.2010	Currently in force
14.	Rules for Financing Measures to Eliminate Consequences of Emergencies	Approved by Government Resolution No. 699 of 30.12.2009	Currently in force
15.	Charter of the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan	Approved by Government Resolution No. 547 of 29.12.2017	Currently in force
16.	Procedure for Organizing Medical Assistance During Emergencies	Approved by Government Resolution No. 62 of 26.02.2022	Currently in force
17.	Sendai Framework for Disaster Risk Reduction 2015-2030	Approved by UN General Assembly Resolution 69/283 of 03.06.2015	Currently in force
18.	Agreement between the Republic of Kazakhstan, Kyrgyz Republic, Republic of Tajikistan and Republic of Uzbekistan on Cooperation	10.01.1997	Currently in force
19.	Model Law of CIS "On Protection of Population and Territories from Natural and Technogenic Emergencies"	06.12.1997, No. 10-6	Currently in force
20.	Model Law of CIS "On Emergency Situations"	13.06.2000, No. 15-15	Currently in force
21.	Model Law of CIS "On Facilitating Humanitarian Assistance in	28.11.2014, No. 41-20	Currently in force

	Emergencies and Assistance in Carrying Out Initial Recovery Work"		
22.	Model Law of CIS "On Unified Emergency Call System"	28.10.2022, No. 54-9	Currently in force
23.	Recommendations on Harmonization of Legislation of SCO Member States in Cross-Border Cooperation During Natural and Technogenic Emergencies	Approved by SCO Parliamentary Assembly Resolution No. 8-8 of 26.11.2015	Currently in force
24.	Agreement between the Committee for Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan and the Ministry of Emergency Situations of the Republic of Belarus on Cooperation in Prevention and Elimination of Emergencies	30.06.2012	Currently in force
25.	Agreement between the Government of the Republic of Tajikistan and the Government of the Kyrgyz Republic on Cooperation in Civil Defense, Prevention and Elimination of Emergencies	02.11.2013	Currently in force
26.	Agreement on Technical and Financial Cooperation and Humanitarian Assistance between the Swiss Federal Council and the Government of the Republic of Tajikistan	19.11.1999	Currently in force



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